



Customer No. 26874

PATENT

Atty. Docket No. END5131.0517373

IFW

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicant: Jeffrey S. Swayze et al. : Paper No:  
Serial No. 10/673,662 : Group Art Unit: 3721  
Filed: September 29, 2003 : Examiner: Brian D. Nash  
For: SURGICAL STAPLING INSTRUMENT HAVING MULTISTROKE FIRING  
INCORPORATING A TRACTION-BIASED RACHETING MECHANISM

**INFORMATION DISCLOSURE STATEMENT**

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. §§1.97 and 1.98, Applicant herewith submits certain patent references and other information, which the Patent & Trademark Office may wish to consider in examining the above-identified application. The references and information are provided below, and are also listed on the attached Form PTO-1449.

<b><u>REFERENCES</u></b>	<b><u>ISSUE DATE</u></b>	<b><u>INVENTOR</u></b>
5,653,721	08-05-1997	Knodel et al.
2002/198541	12-26-2002	Smith et al.

Pursuant to the waiver published in the Pre-OG Notice, dated July 11, 2003, no copies are provided herewith of U.S. patents cited. No representation is made or intended that a prior art search has been made or that no better art than the listed is available. It is respectfully requested that the information be considered by the Examiner and made of record in the present application.

The Commissioner for Patents is authorized to charge any deficiency or credit any overpayment to Frost Brown Todd LLC Deposit Account No. 06-2226.

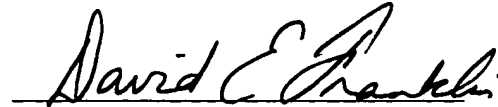
05/05/2005 HNGUYEN1 00000035 10673662

01 FC:1806

180.00 0P

Respectfully submitted,

Jeffrey S. Swayze et al.



David E. Franklin

Registration No. 39,194

Telephone (513) 651-6856

FROST BROWN TODD LLC

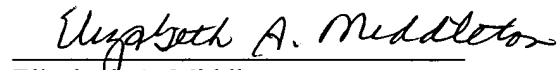
2200 PNC Center

201 East Fifth Street

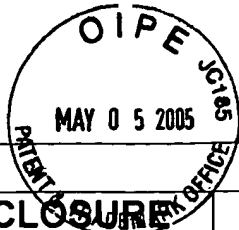
Cincinnati, Ohio 45202-4182

**CERTIFICATE OF MAILING**

I hereby certify that a copy of this correspondence is being deposited with the United States Postal Service as Express mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 this 3<sup>rd</sup> day of May, 2005.



Elizabeth A. Middleton



Substitute for Form PTO 1449

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

**Complete if Known**

Application No.	10/673,662
Filing Date	September 29, 2003
First Named Inventor	SWAYZE, Jeffrey S. et al.
Art Unit	3721
Examiner Name	Brian Nash

Sheet	1	of	1	Attorney Docket No.	END5131-0517373
-------	---	----	---	---------------------	-----------------

**U.S. PATENT DOCUMENTS**

Examiner initials	Cite No.	DOCUMENT NUMBER		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind code <sup>2</sup> (if known)				
		US-	5,653,721	08-05-1997	Knodel et al.	
		US-	2002/198541	12-26-2002	Smith et al.	
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				

**FOREIGN PATENT DOCUMENTS**

Examiner initials	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind code <sup>5</sup> (if known)				
						Abstract

**OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS**

Examiner initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>6</sup>

1503104.1

EXAMINER SIGNATURE \_\_\_\_\_ DATE CONSIDERED \_\_\_\_\_

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter office that issued the document, by the two-letter code (WIPO Standard ST. 3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.